

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:	LOUIS A. SANTO, JR.	:	CHAPTER 13
	AKA: LOUIS A. SANTO	:	CASE NO. 1-22-01912
	JOY M. SANTO	:	
	Debtor	:	
	JACK N. ZAHAROPOULOS	:	
	CHAPTER 13 TRUSTEE	:	
	Movant	:	
		:	
	vs.	:	
		:	
	LOUIS A. SANTO, JR.	:	
	AKA: LOUIS A. SANTO	:	
	JOY M. SANTO	:	
	Respondent(s)		

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, on October 24, 2024, comes, JackN. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, though his attorney, Douglas R. Roeder, Esquire, and respectfully represents the following:

1. This case was filed about two years ago, on October 3, 2022, and a plan has yet to be confirmed.
2. The Debtor filed his original plan on December 1, 2022.
3. He filed a First Amended Plan on February 27, 2024.
4. He filed a Second Amended Plan on July 8, 2024.
5. The Trustee filed an Objection to the 2nd Amended Plan on July 30, 2024.
6. At a confirmation hearing held on August 28, 2024, Debtor's counsel advised the Court that Debtor has made payments to unsecured creditors outside of the bankruptcy plan and not via the Chapter 13 Trustee.
7. Payments made outside of the plan to unsecured creditors are a preference pursuant to §§ 1322(b)(1) and 547 and indicative of bad faith here.

8. Seemingly, Debtor payment these direct payments to circumvent the Chapter 13 Trustee fee. Direct payments motivated primarily by a desire to avoid the Trustee fee are improper. *See, e.g., In re Delauder*, 189 B.R. 639, 647 (Bankr. E.D. Va. 1995).
9. The Trustee also raised the additional objections to confirmation:
  - a. The Second Amended Plan is underfunded relative to the claims to be paid.
  - b. The Debtor has not provided the Trustee with requested pay advices.
10. Additionally, based on the proffer of Debtor's counsel, Debtor is unwilling to cooperate and to follow the Bankruptcy Code regarding Chapter 13 Plan requirements.
11. Based on all the foregoing, the Trustee avers that the Debtor's plan has not been proposed in good faith and thus it violates §§ 1325(a)(3), and 1307(c)(1). Specifically:
  - a. Almost two years have passed since the filing of the case, and no confirmable plan has ever been proposed.
  - b. The Debtor has paid creditors directly outside of the plan in an effort to avoid the Trustee fee.
12. Moreover, it would be extremely difficult for the Trustee to ascertain the correct amount to pay to each unsecured creditor in this case, since the Debtor has made unauthorized payments directly to unsecured creditors.
13. This case should be dismissed pursuant to §1307(c) for cause since the interest of creditors and the Debtor would be best served by dismissal.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis of a failure to file a confirmable plan and for the Debtor's lack of good faith exhibited in proposing a Chapter 13 plan in this case.

Respectfully submitted,

/s/ Douglas R. Roeder, Esquire

Id: 80016

Attorney for Movant

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

Suite A, 8125 Adams Drive

Hummelstown, PA 17036

Phone: 717-566-6097

Email: droeder@pamd13trustee.com

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IN RE: LOUIS A. SANTO, JR.  
AKA: LOUIS A. SANTO  
JOY M. SANTO

Debtor(s)

CHAPTER 13

JACK N. ZAHAROPOULOS  
CHAPTER 13 TRUSTEE

Movant

CASE NO: 1-22-01912-HWV

LOUIS A. SANTO, JR.  
AKA: LOUIS A. SANTO  
JOY M. SANTO

Respondent(s)

NOTICE

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

Sylvia H. Rambo United States Courthouse  
Bankruptcy Courtroom 4B  
1501 North 6th Street  
Harrisburg, PA 17102

Date: November 20, 2024  
Time: 09:35 AM

Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Date: October 24, 2024

/s/ Douglas R. Roeder, Esquire  
Id: 80016  
Attorney for Trustee  
Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
email: [info@pamd13trustee.com](mailto:info@pamd13trustee.com)

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CHAPTER 13

Debtor(s)

JACK N. ZAHAROPOULOS  
CHAPTER 13 TRUSTEE  
Movant

CASE NO: 1-22-01912-HWV

vs.

LOUIS A. SANTO, JR.  
AKA: LOUIS A. SANTO  
JOY M. SANTO

Respondent(s)

CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on October 24, 2024, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail from Hummelstown, PA, unless served electronically.

Served electronically

LAWRENCE V. YOUNG, ESQUIRE  
135 NORTH GEORGE STREET  
YORK, PA 17401

UNITED STATES TRUSTEE  
1501 NORTH 6TH STREET  
BOX 302  
HARRISBURG, PA 17102

Served by 1<sup>st</sup> Class Mail

LOUIS A. SANTO, JR.  
312 MEADOW TRAIL  
DILLSBURG, PA 17019

I certify under penalty of perjury that the foregoing is true and correct.

Date: October 24, 2024

/s/ Vickie Williams

Office of Standing Chapter 13 Trustee  
Jack N. Zaharopoulos  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
email: [info@pamd13trustee.com](mailto:info@pamd13trustee.com)

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application.